

ENTERED

February 16, 2023

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA,	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	CIVIL ACTION NO. 7:20-cv-00288
	§	(LEAD CASE)
	§	
1.487 ACRES OF LAND, MORE OR LESS,	§	
SITUATE IN STARR COUNTY, STATE OF	§	TRACT RGV-RGC-6013
TEXAS, SALVADOR GARCIA III, <i>et al.</i> ,	§	
<i>Defendants.</i>	§	

UNITED STATES OF AMERICA,	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	CIVIL ACTION NO. 7:21-cv-00022
	§	(MEMBER CASE)
	§	
2.450 ACRES OF LAND, MORE OR LESS,	§	
SITUATE IN STARR COUNTY, STATE OF	§	TRACT RGV-RGC-6014
TEXAS, AMERICO ELOY GARCIA, <i>et al.</i> ,	§	
<i>Defendants.</i>	§	

FINAL JUDGMENT

Before the Court is the Stipulation for Revestment and Motion for Final Judgment¹ entered by Plaintiff, the United States of America (“United States”), and Defendants, Americo Eloy Garcia, Salvador Garcia, III, and Maria Soledad Garcia (collectively, hereinafter “the Parties”), in the above-styled consolidated condemnation action.

The unresolved tracts in this case are 1.487 acres of land, more or less, located in Starr County, Texas identified as Tract RGV-RGC-6013 in Lead Case: 7:20-cv-00288, and 2.450 acres of land, more or less, located in Starr County, Texas identified as Tract RGV-RGC-6014 in Member Case 7:21-cv-00022) (collectively, hereinafter, “Subject Property”). The interests taken

¹ Dkt. ____.

in Tracts RGV-RGC-6013 and RGV-RGC-6014 is specifically described in Schedules “C”, “D”, and “E” of the Declarations of Taking.²

Pursuant to 40 U.S.C. § 3117, the United States may agree or stipulate to the revestment of condemned property to resolve condemnation cases.

On February 15, 2023, the Parties filed their Stipulation of Revestment, whereby the United States and Defendants jointly stipulated and agreed that all right, title, and interest acquired by the United States associated with or appurtenant to the Subject Property has been **REVESTED** in Defendants Americo Eloy Garcia, Salvador Garcia, III, and Maria Soledad Garcia as it existed immediately before the time of the filing of the Declarations of Taking and title vesting in the United States. Defendants Americo Eloy Garcia, Salvador Garcia, III, and Maria Soledad Garcia further accepted such **REVESTMENT** of the Subject Property.

Accordingly, pursuant to the Stipulation entered by the United States and Defendants, it is hereby **ORDERED** and **ADJUDGED** that the Subject Property—to wit: Tracts RGV-RGC-6013 and RGV-RGC-6014—have been **REVESTED** back to Defendants Americo Eloy Garcia, Salvador Garcia, III, and Maria Soledad Garcia.

It is further **ORDERED** and **ADJUDGED** that:

- A. The full and just compensation payable by the United States to Defendants Americo Eloy Garcia, Salvador Garcia, III, and Maria Soledad Garcia for the time that it held title as to the Subject Property shall be the sum of five hundred and 00/100 dollars (\$500.00). This sum is in full satisfaction of any claims of whatsoever nature by Defendants Americo Eloy Garcia, Salvador Garcia, III, and Maria Soledad Garcia against the United States for the institution and prosecution of the above-captioned action. Defendants further agree to waive any and all claims for additional compensation of any nature against the United States arising from the United States’ acquisition of the Subject Property.
- B. Judgment shall be and is hereby entered against the United States in the amount of five hundred and 00/100 dollars (\$500.00), along with any accrued interest, for the time that United States held title as to the Subject Property.

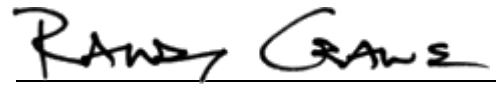
² See Dkt. No. 2-1 at 6-15 in Lead Case: 7:20-cv-00288; Dkt. No. 2-1 at 6-14 in Member Case: 7:21-cv-00022.

- C. The United States' estimate of just compensation remains on deposit in the Court's Registry and the Court now **ORDERS** the Clerk of Court to **DISBURSE** the following sums, along with any accrued interest earned thereon while on deposit, payable as follows:
- The sum of \$500.00, with any accrued interest earned thereon while on deposit, payable to "Jones, Galligan, Key & Lozano, L.L.P.," counsel for Defendants Americo Eloy Garcia, Salvador Garcia, III, and Maria Soledad Garcia.
 - The remaining sum of \$84,214.00, with accrued interest, payable to "F&A Officer, USAED, Fort Worth," with the check referencing "Tract Nos. RGV-RGC-6013 and 6014."
- D. Defendants Americo Eloy Garcia, Salvador Garcia, III, and Maria Soledad Garcia warrant that (a) they are the owners of the interest in the property taken in this proceeding on the respective dates of taking, (b) that they have the exclusive right to the compensation set forth herein, excepting the interests of party having liens, encumbrances of record, and unpaid taxes and assessments, if any, and (c) no other party is entitled to the same or any part thereof by reason of any unrecorded agreement.
- E. In the event that any other party is ultimately determined by a court of competent jurisdiction to have any right to receive compensation for the interests in the properties taken in this proceeding, Defendants Americo Eloy Garcia, Salvador Garcia, III, and Maria Soledad Garcia shall refund into the Registry of the Court the compensation distributed herein, or such part thereof as the Court may direct, with interest thereon at an annual rate provided in 40 U.S.C. § 3116 from the date of receipt of the respective deposit by Defendants Americo Eloy Garcia, Salvador Garcia, III, and Maria Soledad Garcia, to the date of repayment into the Registry of the Court.
- F. The Parties shall be responsible for their own legal fees, costs, and expenses, including attorneys' fees, consultants' fees, and any other expenses or costs.
- G. The Parties shall take no appeal from any rulings or judgment made by the Court in this action, and the Parties consent to the entry of all motions, orders, and judgments necessary to make this stipulated judgment.
- H. This order is binding on the heirs, trustees, executors, administrators, devisees, successors, assigns, agents, and representatives of Defendants.

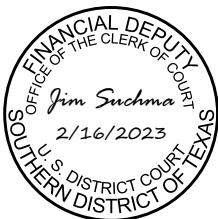
The United States is further **ORDERED** to record this Final Judgment and the Stipulation of Revestment with the Official Records of Starr County, Texas so as to provide notice with county deed records.

This case is terminated, and the Clerk of the Court is instructed to close the case.

SO ORDERED February 16, 2023, at McAllen, Texas.

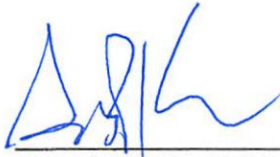
A handwritten signature in black ink that reads "Randy Crane". The signature is written in a cursive, slightly stylized font. The "R" is large and loops around the "a", and the "C" is also large and loops around the "r". The "e" is written with a simple horizontal stroke.

Randy Crane
Chief United States District Judge



AGREED AS TO FORM AND SUBSTANCE

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